

## **RDMD/Planning and Development Services**

MS Word Export To Multiple PDF Files Software - Please purchase license.

**DATE:** May 19, 2005

**TO:** Orange County Zoning Administrator

**FROM:** RDMD/PDS/Land Use Planning

**SUBJECT:** Public Hearing on Planning Application PA05-0011 for Coastal Development Permit.

**PROPOSAL:** The applicant proposes to demolish two (2) detached single-family dwellings on a 60 feet by 60 feet building site and construct a new three-story two-unit residential condominium structure

**LOCATION:** The project site is located in the Community of Sunset Beach, on North Pacific Avenue between 25<sup>th</sup> and 26<sup>th</sup> Streets. The site address is 16382 North Pacific Avenue, Sunset Beach. Second Supervisorial District.

**APPLICANT:** James Scardino

**STAFF** William V. Melton, Project Manager

**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-3522

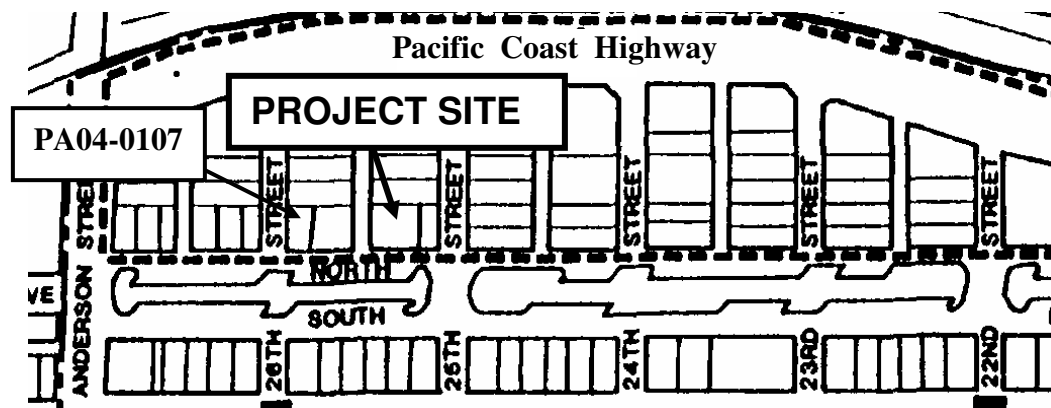
**SYNOPSIS:** RDMD/PDS/Land Use Planning recommends Zoning Administrator approval of PA05-0011 subject to the attached Findings and Conditions of Approval.

### **BACKGROUND:**

The subject property is located in the Sunset Beach Specific Plan/Local Coastal Program. Sunset Beach is generally located between Warner Avenue to the south, the City of Seal Beach to the north, the City of Huntington Beach to the east, and Pacific Ocean beach to the west. The subject property is 3,600 square feet in area, is square in shape measuring approximately 60 feet on North Pacific Avenue and 60 feet on the alley between 25<sup>th</sup> and 26<sup>th</sup> Streets. The site is developed with two detached single-family dwellings. One dwelling is single-story that was built in 1927 according to County records. The second dwelling is two stories and was built in the 1960's according to the applicant. The proposal is to demolish these two structures and construct a new three-story, two-family condominium dwelling. The front of the property is on North Pacific, which provides access to the garages for each unit.

The majority of residential lots between Pacific Coast Highway and North Pacific Avenue measure 30 feet by 90 feet; have side lot lines that are parallel to North Pacific Avenue; and, have access on the cross street and an alley to the rear. The subject site as, well as the other lots on North Pacific between 25<sup>th</sup> Street and Anderson Street, were created in the 1920's and has the side lot lines perpendicular to North Pacific. As shown in the map segment on the following page, two of the original lots 30 feet by 90 feet lots were divided into lots of 30 feet by 60 feet and lots 60 feet by 60 feet. The rear setback standard for

these unique lots were not incorporated into the Sunset Beach SP and modification to the rear setback standards are required for this proposal. The Discussion section of this report addresses this setback issue.



#### **CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

#### **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building.

A copy of the planning application along with a copy of the proposed site plan was distributed for review and comment to 8 County divisions and the Sunset Beach LCP Review Board. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Sunset Beach LCP Review Board reviewed the proposal at their April 19, 2005 meeting and recommended project approval.

**SURROUNDING LAND USE:**

Direction	Sunset Beach Land Use Designation	Existing Land Use
Project Site	SBR “Sunset Beach Residential”	Two single-family dwellings
North	SBR “Sunset Beach Residential”	Single-family dwelling
South	SBR “Sunset Beach Residential”	Single-family dwelling
East	SBR “Sunset Beach Residential”	Single-family dwelling
West	SBP “Sunset Beach Parking”	Parking and open space

**DISCUSSION/ANALYSIS:**

The proposed project conforms to the site development standards as shown below. Typically, new residential development along North Pacific Avenue and the streets between North Pacific Avenue and Pacific Coast Highway are replacing a one or two story single-family dwelling with a new three-story single-family or two-family dwelling. Two-family dwellings are permitted on each lot provided the parking requirements can be satisfied. The following chart shows the SBR site development standards and compares the project site against those standards.

<b>SBR DEVELOPMENT STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
Front setback (North Pacific) Ground level, garage 2 <sup>nd</sup> and 3 <sup>rd</sup> levels	5 feet 6 inches	5 feet 6 inches
Rear setback Ground level 2 <sup>nd</sup> and 3 <sup>rd</sup> levels	5 feet 6 inches	3 feet all levels
Alley side setback Ground level Garage 2 <sup>nd</sup> and 3 <sup>rd</sup> levels	3 feet 5 feet 6 inches	3 feet NA 6 inches
Adjacent property side setback	3 feet minimum all floors	3 feet minimum all floors
Bottom elevation (living area)	2 feet above center line of North Pacific	2 feet above center line of North Pacific
Maximum Building height measured from bottom elevation	3-stories, no more than 35 feet	3-stories <sup>1</sup> , 35 feet
Parking required	2 covered spaces/dwelling	2 garage spaces/per dwelling
Open area	90 square feet/dwelling	1,195 and 1,113 sq. ft.

As shown in the chart above, the proposal conforms to the development regulations of the Sunset Beach SP/LCP except for the rear yard setback. The setbacks assumed for the lots between PCH and North Pacific were based on the typical 30 feet by 90 feet lot that had a front yard on a street and a rear yard on an alley. With this type of configuration, a garage could be constructed at the front or rear with a maneuvering area of 30 feet between ground level garages on the opposite side of the street or alley. However, the 6-inch setback for the 2<sup>nd</sup> and 3<sup>rd</sup> levels is not an appropriate because the subject site does not have a rear yard on an alley. Further, the Orange County Fire Authority would not approve such a setback. Staff determined that a three-foot rear yard setback on all levels for this site would be appropriate since: 1) had the lot remained in the original configuration, it would have been a side yard; and 2) the adjoining property is a side yard with a three-foot setback. This modified rear setback was recently established through PA04-0107, where a new single-family dwelling on a lot on 26<sup>th</sup> Street and North

<sup>1</sup> There is a room labeled “storage” on the roof deck of each unit that contains mechanical equipment. This storage area has a ceiling height of 6 feet. The Sunset Beach development regulations do not consider this storage room as a 4<sup>th</sup> floor because it does not exceed a ceiling height of 6 feet. The storage room is within the 35 feet height limit.

Pacific Avenue measuring 30 feet by 60 feet was approved with a 3-foot rear yard setback. See map on page 2 of this report.

As seen in the air photo on page 3 of this report and in Exhibit 2, the homes fronting on North Pacific Ave. north and south of 26<sup>th</sup> Street have similar rear yard setbacks. Records indicate that the homes were constructed in the 1920's to the early 1960's. These homes were constructed prior to adoption of the Sunset Beach Specific Plan and the Coastal Act. County discretionary permit records are very sketchy for this time period. Staff was able to locate one early discretionary permit (Use Variance UV4832, approved September 20, 1961) that indicated the dwelling on the north side of 26<sup>th</sup> Street was previously approved for a rear yard setback variance of 3 feet. The property was zoned R4 at that time. The other properties along North Pacific Ave appear to have similar setbacks. The proposed setback for this new dwellings would conform to the previously approved setbacks.

In summary, except for the rear setback as noted, the proposed project conforms to the site development standards of the SBR District. The Sunset Beach LCP Review Board approved the project. The project is similar in scale as previously newly approved dwelling units located between North Pacific Avenue and Pacific Coast Highway. The project is compatible with dwelling units in the vicinity subject to the same development standards. Staff supports the project as proposed and recommends project approval as follows.

#### **RECOMMENDED ACTION:**

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA05-0011 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Charles M. Shoemaker, Chief  
LUP/Current and Advance Planning

WVM

Folder: Sunset Beach/PA05-0011 Staff Scardino

#### **APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Site Photo
3. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the RDMD/Planning and Development Services.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.